



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/768,841

01/30/2004

Tomoyuki Yamamoto

09812.0159-01

7117

22852

7590

05/11/2010

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

SCHNURR, JOHN R

ART UNIT

PAPER NUMBER

2421

MAIL DATE

DELIVERY MODE

05/11/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/768,841	Applicant(s) YAMAMOTO, TOMOYUKI	
	Examiner JOHN SCHNURR	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-45, 47-53, 55-59, 62-66, 69-76, 78-81 and 84-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-45, 47-53, 55-59, 62-66, 69-76, 78-81 and 84-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/09/2010 has been entered.

DETAILED ACTION

1. Claims 43-45, 47-53, 55-59, 62-66, 69-76, 78-81 and 84-88 are pending and have been examined.
2. The information disclosure statement (IDS) submitted on 04/09/2010 was considered by the examiner.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 59-66 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims require a “computer-readable medium.” The broadest reasonable interpretation of a machine-readable medium in light of the specification includes a signal per se. As a signal is transitory in nature this creates a non-statutory transitory embodiment of the invention. Please refer to the memorandum from David Kappos, dated 01/26/2010, entitled “Subject Matter Eligibility of Computer Readable Media.”

Response to Arguments

5. Applicant's arguments filed 04/09/2010 have been fully considered but they are not persuasive.

In response to applicant's argument that Eyer (US 6,588,015) does not disclose a first function of a button “causing the selection means to skip past the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position,” the examiner respectfully disagrees. The fast forward function of Eyer clearly teaches skipping from a first position within a content item to a second position subsequent to the first (col. 7 lines 50-60). The newly added claim limitations do not clearly state that the first content is composed of discrete locations which may be selected by the user via the first function without displaying intervening content segments.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims **43, 44, 48-52, 56-59, 62-66, 69-75 and 79-88** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hassell et al. (US Patent Application Publication 2005/0278771)**, herein Hassell, in view of **Eyer et al. (US Patent 6,588,015)**, herein Eyer, and further in view of **Durlach (US Patent 6,807,367)**.

Consider **claim 43**, Hassell clearly teaches an apparatus, comprising:

storing means for storing a plurality of content items, the plurality of content items including a first content item and a second content
(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])

input means for receiving a user input from a user; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

selection means for selecting a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item, or by skipping past a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item that is subsequent to the first position; **(The user may fast-forward or rewind to a position within the program or select a different program, [0040].)**

reproducing means for replaying the first content item or the second content item from the selected next replay positions; **(Television 36 of Fig. 2 receives video signals from digital storage device 31. [0022])**

However, Hassell does not explicitly teach the input means comprises a button that performs both of the following two functions:

Art Unit: 2421

(1) causing the selection means to skip past the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and

(2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,

wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches a button that performs both of the following two functions: (1) causing the selection means to skip past the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position, wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period. **(Fig. 2: The FAST FORWARD button 248 selects a new position in the first content subsequent to the first position as the replay position, col. 7 lines 50-60. The SKIP FORWARD button 254 skips directly to the beginning of the next content item, col. 8 lines 5-12. The buttons 248 and 254 may be combined into a single button wherein the function of the button is based on the duration for which the button is pressed, col. 8 lines 20-31.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by using a single button for selecting a position in the content item or skipping directly to a different content item based on how long the button is pressed by the user, as taught by Eyer, for the benefit of enhancing user control of the content.

However, Hassell combined with Eyer does not explicitly teach displaying means for displaying an indicator of the current replay position as one of the plurality of content items is reproduced by the reproducing means.

Art Unit: 2421

In an analogous art, Durlach, which discloses a system for displaying video, clearly teaches displaying means displays an indicator of a current replaying position. **(Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell combined with Eyer by displaying an indicator of a current replaying position, as taught by Durlach, for the benefit of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

Consider **claim 44**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the display means displays the indicator at the beginning of the second content item when the user skips over the current replay position within the first content item. **(Durlach shows the current location of the currently displayed video of Hassell and Eyer. Therefore, it is inherent that when a user skips to the beginning of the second content item the display means will indicate the beginning of the second content.)**

Consider **claim 48**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus;

The program schedule displaying apparatus according to claim 43 (Fig. 5b shows a program guide displaying recorded contents.), wherein: the plurality of content items are programs provided via ground stations, satellite stations, wireless network or wired network. **(Fig. 1 : Link 18 may be a satellite link, a telephone network link, a cable or fiber optic link, a microwave link, a combination of such links, or any other suitable communications path. [0016] Hassell)**

Consider **claim 49**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus, wherein:

the plurality of content items are comprised of visual and sound data. **(The programs received by the STB are comprised of video and audio data. [0021] Hassell)**

Consider **claim 50**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus, wherein:

the plurality of content items are multimedia data or replay application programs. **(The contents received by the STB include program listings, programs (audio/video) and program data. [0024] Hassell)**

Consider **claim 51**, Hassell clearly teaches a method, comprising:

Art Unit: 2421

storing a plurality of content items, the plurality of content items including a first content item and a second content; **(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])**

receiving a user input from a user; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

selecting a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item, or by skipping past a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item that is subsequent to the first position; **(The user may fast-forward or rewind to a position within the program or select a different program, [0040].)**

replaying the first content item or the second content item from the selected next replay position. **([0040])**

However, Hassell does not explicitly teach the input means comprises a button that performs both of the following two functions:

(1) skipping past select the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and

(2) skipping past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,

wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches a button that performs both of the following two functions: (1) skipping past select the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and (2) skipping past the current replaying position in the first content item directly to the beginning of second content item as the next replay position, wherein one of function (1) or function (2) is

Art Unit: 2421

performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period. **(Fig. 2: The FAST FORWARD button 248 selects a new position in the first content subsequent to the first position as the replay position, col. 7 lines 50-60. The SKIP FORWARD button 254 skips directly to the beginning of the next content item, col. 8 lines 5-12. The buttons 248 and 254 may be combined into a single button wherein the function of the button is based on the duration for which the button is pressed, col. 8 lines 20-31.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by using a single button for selecting a position in the content item or skipping directly to a different content item based on how long the button is pressed by the user, as taught by Eyer, for the benefit of enhancing user control of the content.

However, Hassell combined with Eyer does not explicitly teach displaying an indicator of the current replay position as one of the plurality of content items is reproduced by the reproducing means.

In an analogous art, Durlach, which discloses a system for displaying video, clearly teaches displaying an indicator of a current replaying position. **(Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell combined with Eyer by displaying an indicator of a current replaying position, as taught by Durlach, for the benefit of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

Consider **claim 52**, see claim 44.

Consider **claim 56**, see claim 48.

Consider **claim 57**, see claim 49.

Consider **claim 58**, see claim 50.

Consider **claim 59**, Hassell clearly teaches a computer readable medium comprising instructions for causing a processor to execute a method **(The use of a processor executing instructions is inherent in a set-top box.)**, comprising:

storing a plurality of content items, the plurality of content items including a first content item and a second content; **(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])**

Art Unit: 2421

receiving a user input from a user; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

selecting a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item, or by skipping past a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item that is subsequent to the first position; **(The user may fast-forward or rewind to a position within the program or select a different program, [0040].)**

replaying the first content item or the second content item from the selected next replay position. **([0040])**

However, Hassell does not explicitly teach the input means comprises a button that performs both of the following two functions:

(1) skipping past select the first position within the first content item immediately subsequent to the current replay position .to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and

(2) skipping past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,

wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches a button that performs both of the following two functions: (1) skipping past select the first position within the first content item immediately subsequent to the current replay position .to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and (2) skipping past the current replaying position in the first content item directly to the beginning of second content item as the next replay position, wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period. **(Fig. 2: The FAST FORWARD**

Art Unit: 2421

button 248 selects a new position in the first content subsequent to the first position as the replay position, col. 7 lines 50-60. The SKIP FORWARD button 254 skips directly to the beginning of the next content item, col. 8 lines 5-12. The buttons 248 and 254 may be combined into a single button wherein the function of the button is based on the duration for which the button is pressed, col. 8 lines 20-31.)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by using a single button for selecting a position in the content item or skipping directly to a different content item based on how long the button is pressed by the user, as taught by Eyer, for the benefit of enhancing user control of the content.

However, Hassell combined with Eyer does not explicitly teach displaying an indicator of the current replay position as one of the plurality of content items is reproduced by the reproducing means.

In an analogous art, Durlach, which discloses a system for displaying video, clearly teaches displaying an indicator of a current replaying position. **(Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell combined with Eyer by displaying an indicator of a current replaying position, as taught by Durlach, for the benefit of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

Consider **claim 62**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the display means displays the indicator of the current replaying position together with information identifying the content item being currently replayed. **(Fig. S4: Graphics overlay 204 displays information about the current segment, column 13 lines 37-41 Durlach.)**

Consider **claim 63**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the indicator of the replaying position is displayed on a horizontal bar on the display means. **(Fig. S4, column 13 lines 26-36 Durlach.)**

Consider **claim 64**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the horizontal bar represents an interval of time within the first content item and the indicator of the replaying position represents a time within the first content item that is currently being replayed. **(Fig. S4, column 13 lines 26-36 Durlach.)**

Consider **claim 65**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the horizontal bar includes a graphical representation of both the

Art Unit: 2421

first content item and the second content item at a time when only the first content item is being reproduced. **(Fig. S4: The system uses various visual delineators to identify distinct movie segments, column 13 lines 26-36 Durlach. The segments are individual content items, column 14 lines 17-39 Durlach.)**

Consider **claim 66**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the horizontal bar is displayed such that the indicator moves to the right as the current replay position moves closer to the end of the first content item. **(Fig. S4: The indicator needle moves in accordance with the current movie, column 13 lines 26-36 Durlach. Advancing the movie entails a left-to-right motion, column 20 lines 9-13.)**

Consider **claim 69**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches displaying the indicator of the current replaying position together with information identifying the content item being currently reproduced. **(Fig. S4 shows both the position indicator 206 and the content indicator 204 being displayed together.)**

Consider **claim 70**, see claim 63.

Consider **claim 71**, see claim 64.

Consider **claim 72**, see claim 65.

Consider **claim 73**, see claim 66.

Consider **claim 74**, Hassell clearly teaches an apparatus comprising:

a storage device configured to store a plurality of content items, the plurality of content items including a first content item and a second content item; **(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])**

an input unit configured to receive a user input from a user; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

a processor configured to select a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item, or by skipping past a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item that is subsequent to the first position; **(The user may fast-forward or rewind to a position within the program or select a different program, [0040].)**

replay the first content item or the second content item from the selected next replay position. **([0040])**

Art Unit: 2421

However, Hassell does not explicitly teach the input means comprises a button that performs both of the following two functions:

(1) causing the processor to skip past the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and

(2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,

wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches a button that performs both of the following two functions: (1) causing the processor to skip past the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position, wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period. **(Fig. 2: The FAST FORWARD button 248 selects a new position in the first content subsequent to the first position as the replay position, col. 7 lines 50-60. The SKIP FORWARD button 254 skips directly to the beginning of the next content item, col. 8 lines 5-12. The buttons 248 and 254 may be combined into a single button wherein the function of the button is based on the duration for which the button is pressed, col. 8 lines 20-31.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by using a single button for selecting a position in the content item or skipping directly to a different content item based on how long the button is pressed by the user, as taught by Eyer, for the benefit of enhancing user control of the content.

Art Unit: 2421

However, Hassell combined with Eyer does not explicitly teach displaying an indicator of the current replay position as one of the plurality of content items is reproduced by the reproducing means.

In an analogous art, Durlach, which discloses a system for displaying video, clearly teaches displaying an indicator of a current replaying position. **(Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell combined with Eyer by displaying an indicator of a current replaying position, as taught by Durlach, for the benefit of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

Consider **claim 75**, see claim 44.
Consider **claim 79**, see claim 48.
Consider **claim 80**, see claim 49.
Consider **claim 81**, see claim 50.
Consider **claim 84**, see claim 62.
Consider **claim 85**, see claim 63.
Consider **claim 86**, see claim 64.
Consider **claim 87**, see claim 65.
Consider **claim 88**, see claim 66.

8. Claims **45, 53 and 76** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hassell et al. (US Patent Application Publication 2005/0278771)**, in view of **Eyer et al. (US Patent 6,588,015)** further in view of **Durlach (US Patent 6,807,367)**, as applied to claims 43 and 51 above, and further in view of **Maissel et al. (US Patent Application Publication 2003/0088872)**, herein Maissel.

Consider **claim 45**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus with a variety of program classification criteria, wherein:

content classifying means for classifying the stored plurality of content items in accordance with a broadcasting time sequence, **(Programs can be classified using any pre-defined organization criteria, [0037], one such pre-defined criteria is program times as transmitted from the main facility 12 of Fig. 1 to the user television equipment 22, [0017] Hassell.)**

Art Unit: 2421

Hassell further teach that the organization criteria may be any user-defined criteria. However, Hassell combined with Eyer and Durlach, as in claim 43, do not explicitly teach the use of user preferences or viewing history. Specifically, Hassell combined with Eyer, as in claim 43, do not teach:

order of recommendation rating for the user preference, or past viewing history of the user.

In the same field of endeavor, Maissel, which discloses a recording system for digital television, clearly teaches;

order of recommendation rating for the user preference, or past viewing history of the user. **(A viewer preference profile is created indicating types of programs preferred by the viewer. Maissel [0173])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the viewer preference profile, as taught by Maissel, in the system disclosed by Hassell combined with Eyer and Durlach, as in claim 43, for the advantage of customizing an electronic program guide for an individual user (see [0045] of Maissel et al.).

Consider **claim 53**, see claim 45.

Consider **claim 76**, see claim 45.

9. Claims **47, 55 and 78** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hassell et al. (US Patent Application Publication 2005/0278771)**, in view of **Eyer et al. (US Patent 6,588,015)** further in view of **Durlach (US Patent 6,807,367)**, as applied to claims 43 and 51 above, and further in view of **Schein et al. (US Patent 6,323,911)**, herein Schein.

Consider **claim 47**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus with a variety of program classification criteria.

However, Hassell combined with Eyer, as in claim 43, do not explicitly teach acquiring the current time and using it to calculate a value when a user input is received. Specifically, Hassell combined with Eyer, as in claim 43, does not teach:

current time acquiring means for acquiring current time; and

Art Unit: 2421

calculating means for calculating change value comparing said current time when receiving said user input.

In the same field of endeavor Schein, which discloses a system for displaying television schedule information, clearly teaches;

current time acquiring means for acquiring current time; **(The current time is obtained by the EPG and displayed in the lower right corner as shown in Fig. 4A. Schein et al.)** and

calculating means for calculating change value comparing said current time when receiving said user input. **(When the user enters the EPG, via input from the remote control device 2 of Fig. 1, the current time is used to calculate the portion of the program that has already been played. Schein et al. Column 9 Lines 13-18)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the calculation of the amount of the program already played, as taught by Schein, in the system disclosed by Hassell combined with Eyer and Durlach, as in claim 43, for the advantage of visually indicating the time remaining in each program (see Column 2 Lines 44-60 of Schein et al.).

Consider **claim 55**, see claim 47.

Consider **claim 78**, see claim 47.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on M-F 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2421

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

JRS